



**IN THE U.S. DISTRICT COURT OF MARYLAND
FOR DISTRICT OF MARYLAND**

Oscar Bailon, et al.

*

Plaintiffs

*

v.

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Case No. JKB-17-01813

**Mussel Bar & Grille Baltimore, LLC,
et al.**

*

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Defendants

/

AFFIDAVIT OF BRADFORD W. WARBASSE

1. I, Bradford W. Warbasse, Esq., am at least 18 years of age and competent to testify, and I am not a party to, or related to a party, in this action. Together with my co-counsel,* Howard B. Hoffman, Esq., I serve as counsel to the Plaintiffs in this matter.
2. I am a graduate of Boston University School of Law (May, 1985), and have been a member of the Maryland bar since 1985. My practice is primarily focused on representing plaintiffs in labor and employment matters, including individual and collective actions under the Fair Labor Standards Act. I have obtained a number of favorable decisions on behalf of FLSA plaintiffs in the District of Maryland, including Rogers, et al. v. Savings First Mortgage, LLC, 362 F. Supp. 2d 624 (D. Md. 2005) (Nickerson, J.) (summary judgment granted with respect to claims by 43 loan officers for unpaid minimum wages and/or overtime compensation under the FLSA, and unpaid bonuses under the Maryland Wage Payment and Collection Law); Schultz, et al. v. All-Fund, Inc., 2007 WL 2333049 (D. Md. 2007) (Motz, J.) (summary judgment granted; minimum wage and overtime claims); Speert et al. v. Proficio Mortgage Ventures, LLC,

2011 WL 2417133(D. Md. 2011) (Bredar, J.) (partial summary judgment granted; minimum wage and overtime claims); Chapman et al. v. Ourisman Chevrolet Co., Inc., 2011 WL 2651867 (D. Md. 2011) (Williams, J.) (representation of employee class in minimum wage dispute; summary judgment for employer denied); and Dorsey et al. v. The Greene Turtle Franchising Corp., 2012 WL 3622909 (D. Md. 2012) (Blake, J.) (defense motion for summary judgment or, in the alternative, to decertify a class of 63 plaintiffs denied).

3. I have been awarded hourly fees at the rate of \$400.00/hour in numerous FLSA cases in this District. *See Jackson, et al. v. Egira, LLC, et al.*, RDB-14-3114, 2016 WL 5815850 (D. Md. Oct. 5, 2016) (Bennett, J.); Dorsey et a. v. TGT Consulting, LLC, et al., 2014 WL 458999 (D. Md. 2014) (Blake, J.); Chapman et al. v. Ourisman Chevrolet Co., Inc., 2011 WL 2651867 (D. Md. 2011) (Williams, J.). Accordingly, I am seeking the same hourly rate (\$400.00/hour) for time spent in this case.
4. The time records attached to this Affidavit are true and correct records of my billable time, after exercising billing discretion, in this case. I exercised billing discretion by not billing any time spent on this case after September 25, 2017. The requested **15.1 hours** of time is a reasonable amount, necessarily incurred in order to complete basic objectives in the prosecution of this case.

AFFIANT FURTHER SAYETH NAUGHT

I solemnly affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct.

/s/ Bradford W. Warbasse
Bradford W. Warbasse, Esq.

November 7, 2017
Dated

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BWW Time Records
Bailon v. Mussel Bar & Grill.

Date	Time	Description
3/15/17	1.2	Meet w/ Dawn Dorsey re: potential case (1.2).
6/15/17	2.0	Meet w/ D. Dorsey re: Mussel Bar and Grille (.5); Review paychecks (.7); Research re: potential Defendants (.8).
6/21/17	1.4	Initial client interview – Oscar Bailon; Review personnel policies and potential claims (1.4).
6/22/17	.9	Initial client interview w/ Dania Hammoud (.9).
6/26/17	1.0	Initial client interview – Deanna Jensen (1.0).
6/29/17	.9	Draft Complaint (.9).
6/30/17	1.4	Revise and file the Complaint (.7), Tel. w/ HBH re: same (.7); Review and Email Employee Handbook to HBH (.7).
7/11/17	.2	Tel. w/ HBH re: resident agent's refusal to waive service of process/ Service of process issues; Review communications re; same (.2).
8/1/17	.3	Tel. w/ HBH re: defense counsel/case strategy (.3).
8/17/17	.2	Review waiver of service; Tel. w/ HBH re: same/case strategy (.2).
8/21/17	.2	Review emails re: settlement process issues, Tel. w/ HBH re: same (.2).
8/28/17	.5	Email C. Kresslein re: hour of work records (.1); Review payroll records, Tel. w/ E.

		Shulman re: same (.4).
8/29/17	.9	Tel. w/ C. Kresslein re: damage calculations, hour of work and settlement issues (.5); prepare and email client update (.4).
9/8/17	.9	Review hour of work records/compare to paychecks; forward to E. Schulman re: damage calculations (.9).
9/13/17	1.1	Review damage calculations (.4); Tel. w/ Defense counsel re: same (.1); Tel. w/ E. Schulman re; revisions to damage calculations (.2); Multi-emails w/ clients re: case update/settlement authorization issues (.2); Multi – Tel. w/ O. Bailon re: case status/settlement issues (.2).
9/15/17	.3	Tel. w/ C. Kresslein re: settlement negotiations (.3).
9/19/17	.4	Tel. w/ C. Kresslein re: factual disputes/ like hood of success/ settlement negotiations (.4).
9/21/17	.6	Tel. w/ C. Kresslein re: settlement negotiations (.1); Exchange emails w/ clients re: counter-offer/settlement issues (.2); Multi-Tel w/ Jenson re settlement offer (.2); Tel w/ Bailon re: settlement offer (.2).
9/22/17	.3	Tel. w/ C. Kresslein re: settlement/tax issues (.3).
9/25/17	.4	Tel. w/ C. Kresslein re: settlement issues (.2); update and send attorney time and costs (.2).
Total:	15.1	

BWW Expenses:

Filing Fee:	\$400.00
Expert Witness (Elana Schulman, CPA) Fee:	\$750.00